

**MINUTES  
FREMONT CITY COUNCIL REGULAR MEETING  
MAY 4, 2010  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

**1.1 Call to Order:** Mayor Wasserman called the meeting to order.

**1.2 Flag Salute:** Mayor Wasserman led the salute to the flag.

**1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.

**1.4 Announcements by Mayor/City Manager** – None.

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- \* **2.2 Approval of Minutes** – None.

- \* **2.3 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract in the Amount of \$115,189 to the Lowest Responsible Bidder for the Mission Boulevard Sidewalk and Pedestrian Signal Improvement Project Between Callery Court and Driscoll Road, City Project No. 8691 (PWC)**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council:

1. Approved the plans and specifications for the Mission Boulevard Sidewalk and Pedestrian Signal Improvement Project between Callery Court and Driscoll Road, City Project No. 8691 (PWC).
2. Accepted the bid and award the construction contract for Mission Boulevard Sidewalk and Pedestrian Signal Improvement Project between Callery Court and Driscoll Road,

8691 (PWC) to the lowest responsible bidder, Sposeto Engineering, Inc., in the amount of \$115,189.00, and authorized the City Manager or his designee to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.4 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Introduce an Ordinance for a Planned District Major Amendment to P-2006-274 to Permit Modifications To a Previously Approved Project That Would Allow For The Creation Of Individual Lots Instead Of Condominium Units and Minor Architectural Changes**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council:

1. Held a public hearing.
2. Found that the previously approved Mitigated Negative Declaration and Mitigation Monitoring Program (Informational 3) completed in compliance with the requirements of the California Environmental Quality Act (CEQA) are adequate for this project and that it reflects the independent judgment of the City.
3. Found that the proposed project is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing Chapter as enumerated within the staff report.
4. Found that the proposed subdivision as shown in Exhibit "B" to PLN2010-00161, Vesting Tentative Tract Map 8040, is consistent with the goals, policies and objectives of the City of Fremont's General Plan. Government Code Section 66474 provides that a tentative map application must be denied if certain specified findings are made. None of those findings can be made in this instance as set forth in Exhibit "C" to PLN2010-00161.
5. Waived full reading and introduced an ordinance amending the Precise Plan for P-2006-274.
6. Directed staff to prepare and the City Clerk publish a summary of the ordinance.
7. Approved the proposed project as shown on the Exhibit "A" and Exhibit "B" to PLN2010-00161, based upon the Findings and Conditions of Approval set forth in Exhibit "C" to PLN2010-00161.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.5 Mayor Wasserman opened consideration of Adoption of a Resolution Establishing Guiding Principles for Future Development of the Warm Springs/South Fremont Area**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council considered and adopted Resolution No. 2010-28, a resolution establishing Guiding Principles for Future Development of the Warm Springs/South Fremont Area.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

**3. CEREMONIAL ITEMS**

**3.1 Proclamation: Affordable Housing Week**

**3.2 Proclamation: Bike to Work Day**

**3.3 Resolution: Recognizing ClubSport for AED Save**

**3.4 Proclamation: Public Service Recognition Week: May 3-9, 2010**

**3.5 Proclamation: Mormon Helping Hands Day: May 8, 2010**

**4. PUBLIC COMMUNICATIONS**

**4.1 Oral and Written Communications**

Wynn Grich (A.T.O.W.N.) expressed concern about the potential contamination of local drinking water.

**5. SCHEDULED ITEMS – None.**

**6. REPORT FROM CITY ATTORNEY**

**6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.**

**7. OTHER BUSINESS**

**7.1 Mayor Wasserman opened consideration of Adoption of a Resolution Approving the Joint Powers Authority creating the Alameda County Transportation Commission (ACTC) by Merging the Alameda County Congestion Management Agency (ACCMA) and Alameda County Transportation Improvement Authority (ACTIA); and Approving**

## **an Amendment to the Existing Joint Powers Agreement for the Alameda County Congestion Management Agency (CMA)**

Transportation & Operations Director Jim Pierson provided an overview of the staff report. Staff and Art Dao (ACTIA Deputy Director) responded to questions from Councilmembers. There were no public speakers.

On a motion by Councilmember Harrison, seconded by Vice Mayor Wieckowski, the City Council adopted Resolution No 2010-29 approving the Joint Powers Agreement creating the Alameda County Transportation Commission (ACTC) and approving an amendment to Section 10.a of the existing Joint Powers Agreement for the Alameda County Congestion Management Agency (ACCMA), and authorizing the Mayor or City Manager to execute the necessary agreements.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

### **7.2 Mayor Wasserman opened consideration of Introduction of an Ordinance Adopting Regulations Pertaining to the Planting, Pruning, and Removal of Street Trees and Landowner Responsibility and Liability for Street Tree and Sidewalk Safety and Maintenance**

Transportation & Operations Director Jim Pierson provided an overview of the reasons for the proposed revisions to the ordinance. Mayor Wasserman opened the item for public comment. Wynn Grich and Shirley Nolan expressed opposition to the proposed ordinance. There were no other speakers. Mayor Wasserman closed public comment. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. Introduced the proposed ordinance amendment of the Street Tree Ordinance and conforming amendments to the Tree Preservation Ordinance, the Encroachment Ordinance and the Subdivision Ordinance.
2. Rescinded the Sidewalk and Concrete Repair Policy and associated resolutions.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

**7.3 Mayor Wasserman opened consideration of Authorization for the City Manager to Execute a Contract with Genuine Parts Company, Doing Business as Napa Auto Parts, in an Amount not to Exceed \$1,331,844 for a Three-Year Period for an On-Site Fleet Parts and Inventory Program**

Deputy Director for Maintenance Services Frank Morgan provided an overview of the program. Staff responded to questions from Councilmembers. There were no public speakers.

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council:

1. Authorized the City Manager or designee to enter into an agreement with Genuine Parts Company, doing business as Napa Auto Parts, for an on-site parts and inventory program, for a three-year contract with five additional one-year options, in an amount not to exceed \$443,948 in any contract year through June 30, 2013, with a total contract value not to exceed \$1,331,844 during the initial three-year contract term; and
2. Authorized the City Manager or designee to execute up to five one-year extensions to the contract with Genuine Parts Company for an on-site fleet parts and inventory program as described herein; and
3. Authorized the City Manager or designee to amend the agreement to increase the annual not-to-exceed amount, if necessary, by up to 20% in any year, so long as sufficient budget appropriation exists, to provide for year-to-year variance in parts and/or service needs.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

**7.4 Mayor Wasserman opened consideration of Overview of Parks and Recreation, Public Facilities, Economic Development, Conservation and Natural Resources, and Safety Elements; and Discussion of Next Steps Prior to Public Issuance of Working Draft of General Plan 2030**

Policy & Special Projects Manager Dan Schoenholz reviewed the General Plan process to date. Barry Miller (consultant) provided a recap on the Vision Book and Council feedback related to sustainability, land use, mobility, and community character that will be incorporated into the draft General Plan. Mr. Schoenholz reviewed major proposed changes in the remaining elements which included: Parks & Recreation, Public Facilities, Economic Development, Conservation and Natural Resources, and Safety. Mr. Miller concluded by reviewing the components and revisions to the Community Plan Element. Mr. Schoenholz outlined next steps. Staff responded to questions from Councilmembers. There were no public speakers. Councilmembers provided comment and input to staff on goals, policies and measures presented.

## **8. COUNCIL COMMUNICATIONS**

### **8.1 Council Referrals**

- 8.1.1 COUNCILMEMBER CHAN REFERRAL: Request the City Council to Consider Supporting “Get Connected!” a Public Awareness and Education Program Designed to Reach California Residents that have not yet Adopted Broadband Technology

Councilmember Chan provided an overview of her request. By consensus, the City Council directed staff to return with a resolution for Council’s consideration in support of Get Connected!

### **8.2 Oral Reports on Meetings and Events – None.**

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 10:00 p.m.

Attest:

Approved:

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Dawn G. Abrahamson, City Clerk

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BOB WASSERMAN, Mayor